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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Examiner : John M. Ford  
Group Art Unit : 1202  
Applicant : Coates et al.  
Serial No. : 07/835,964  
Filed : February 20, 1992  
For : 1,3-OXATHIOLANE NUCLEOSIDE ANALOGUES

#11  
8-17-93

New York, New York  
July 23, 1993

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

RESPONSE

Sir:

This is in response to the February 23, 1993 Office Action in the above-identified application. Applicants submit concurrently herewith a Petition under 37 C.F.R. § 1.136(a) and the fee required under 37 C.F.R. § 1.17(b) to extend the time for response to that Office Action for a period of two months, up to and including July 23, 1993.

The Examiner has rejected pending claims 3-5, 7, 10, and 19-20 under 35 U.S.C. § 102 and § 103. Specifically, the Examiner contends that the racemate of the claimed compounds is known and that "[t]he cis isomer infringes the racemate". As a consequence, he apparently asserts that the cis isomer is also not patentable. Applicants traverse.

Claims 3-5, 7, 10 and 19-20 are directed to cis-4-amino-1-(2-hydroxymethyl-1,3-oxathiolane-5-yl)-(1H)-pyrimidin-2-one substantially free of the (+)-enantiomer, and a method and compositions using that compound. Applicants acknowledge that